

SHEILA M. MCGAUVRAN, PE

TOWN ENGINEER

Town of Westerly
Rhode Island
ENGINEERING DEPARTMENT

68 White Rock Road

Westerly, RI 02891

TEL: (401) 348-2562

FAX: (401) 596-9512



Bay Street Construction Oversight

RFQ Number: 2018 – 052

ADDENDUM NO. 1 – August 1, 2018

To: All Known Bid Document Holders
From: Sheila M. McGauvran, P.E.
Town Engineer - Town of Westerly
68 White Rock Road
Westerly, RI 02891

The following items represent additional information provided, changes, amendments or clarifications to the Contract Documents for the above referenced project:

- **Selection Criteria:**

The selection criteria table should not include points for cost. The selection will be made solely upon the qualifications points, and the contract will be awarded to the most qualified respondent provided their fee proposal is within available funds.

- **The Cost Proposal form lists Task 3, 4, and 5?**

These fields should be blank. The proposer may use these fields if they find it necessary to outline their cost proposal.

- **What is the estimated construction cost?**

This project is being funded through the RIDOT and the Transportation Improvement Project. The project is estimated at \$1.4 million.

- **The RFP states that the Proposal should be limited to 5 pages max. Does this mean a total of 10 sides (5 pages double sided) or a total of 5 sides?**

The proposal should be limited to 5 pages, not including back-up material such as relevant experience project sheets, employee bios, etc.

- **Does this 5-page limit include: (1) Letter of Transmittal (2) Company Introduction (3) Relevant Experience (4) Approach & Work Methodology (5) Cost Proposal Form?**

Yes, except the cost proposal form must be submitted in a separate sealed envelope and the relevant experience here should be a list or table. Include additional info in appendices.

- **Where can we obtain the following forms from as they were not included in the RFP: (1) Certification of Bidder (2) Certificate Regarding Debarment (3) Certificate Regarding Lobbying**

Complete the Proposer Certification Form which is attached to this addendum.

- **Who did the design work for this project?**

The project was designed by Cherenzia & Associates, Ltd., 99 Mechanic St Pawcatuck, CT. They are expected to be retained as a design consultant during the progress of the construction. They do not have resident inspector experience or capability.

The above clarifications and information does not warrant reissuance of any portions of the RFQ Documents (including Proposal Form). Prospective Consultants should acknowledge receipt and acceptance of Addendum No.1 with executed copy of each addenda returned with the executed bid form.

Proposer acknowledges receiving Addendum No. 1 dated August 1, 2018 and considers the information, changes and clarifications to be made part of the Proposal and Contract Documents.

Addendum No.1:

Received and Accepted By: Firm:_____

Signed By:_____

Dated:_____

Proposer Certification Form

ALL PROPOSALS ARE SUBJECT TO THE REQUIREMENTS, PROVISIONS AND PROCEDURES CONTAINED IN THIS CERTIFICATION FORM. Proposers are expected to read, sign and comply with all requirements. Failure to do so may be grounds for disqualification of the proposal contained herein.

Rules for Submitting Proposals

This Certification Form must be attached in its entirety to the front of the proposal and shall be considered an integral part of each proposal made by a proposer to enter a contract with the Town of Westerly. As such, submittal of the entire Proposer Certification Form, signed by a duly authorized representative of the proposer attesting that he/she {1} has read and agrees to comply with the requirements set forth herein and (2) to the accuracy of the information provided and the proposal extended, is a mandatory part of any contract award.

To assure that proposals are considered on time, each proposal must be submitted with the specific RFP/RFQ number, date and time of opening marked in the upper left-hand corner of the envelope. Each proposal must be submitted in separate sealed envelopes. A complete signed (in ink) proposal package must be delivered to the Town of Westerly Purchasing Agent at the location indicated within the RFQ by the time/date specified for the opening of responses in a sealed envelope.

Proposals must be submitted' on the proposal forms provided, as appropriate. Proposers must be able to submit samples if requested.

Documents misdirected to other Town locations or which are not present in the Town of Westerly Purchasing Office at the time of opening for whatever cause will be deemed to be late and will not be considered. Postmarks shall not be considered proof of timely submission. The Town of Westerly reserves the right to reject any and all proposals, to waive any informality in the proposals received and to accept the proposal deemed to be most favorable to the best interests of the Towns.

SOLICITATIONS. To assure maximum access opportunities for users, public RFP solicitations shall be posted on the website for a minimum of seven days and no amendments shall be made within the last five days before the date a proposal is due. Except when access to the website has been severely curtailed and it is determined by the Purchasing Agent that special circumstances preclude extending a solicitation due date, requests to mail or fax hard copies of solicitations will not be honored.

PRICING. Offers are irrevocable for ninety (90) days from the opening date (or such other extended period set forth in the solicitation), and may not be withdrawn, except with the express permission of the Purchasing Agent. All pricing will be firm and fixed unless otherwise indicated. (R.I Sales Tax under the 1956 General Laws of the State of RI, 44-18-30 Para1, as amended.) The Town of Westerly is exempt from Federal excise taxes and State Sales and Use Taxes. Such taxes shall not be included in the price.

PREVAILING WAGE, OSHA SAFETY TRAINING and APPRENTICESHIP REQUIREMENTS. Proposers must comply with the provisions of the Rhode Island labor laws, including R.I. Gen. Laws §§ 37-13-1 et seq. and occupational safety laws, including R.I. Gen. Laws §§ 28-20-1 et seq. These laws mandate *for* public works construction projects the payment of prevailing wage rates, the implementation and maintenance of occupational safety standards, and for projects with a minimum value of \$1 Million, the employment of apprentices. The successful Proposer must submit certifications of compliance with these laws from each of its subcontractors prior to their commencement of any work. Prevailing wage rates, apprenticeship requirements, and other workforce and safety regulations are accessible at www.dlt.ri.gov.

PUBLIC RECORDS. Proposers are advised that all materials submitted to the Town of Westerly for consideration in response to this solicitation will be considered without exception to be Public Records pursuant to Title 38 Chapter 2 of the Rhode Island General Laws and will be released for inspection immediately upon request once an award has been made. Proposers are encouraged to attend public RFP openings to obtain Information; however, RFP response summaries may be reviewed after award(s) have been made by visiting www.westerlyri.gov or appearing in person at Westerly Town Hall, Purchasing Office, Mondays through Fridays between 8:30am-3:30pm. Telephone requests for results will not be honored. Written requests for results will only be honored if the information is not available on the website.

Award will be made to the proposer who is, in the opinion of the Town, the most qualified, responsive and experienced proposer provided that the proposed cost is within available funds, in accordance with specifications, at the Town's sole option.

PROPOSER AUTHORIZATION TO PROCEED. When a purchase order, change order, contract/agreement or contract/agreement amendment is issued by the Town of Westerly, no claim for payment for services rendered or goods delivered contrary to or more than the contract terms and scope shall be considered valid unless the proposer has obtained a written change order or contract amendment issued by the Towns PRIOR to delivery.

Any proposal, whether in response to a solicitation for proposals or made without a solicitation, which is accepted in the form of an order OR pricing agreement made in writing by the Town's Purchasing Department, shall be considered a binding contract.

GENERAL TERMS AND CONDITIONS OF CONTRACTS. This solicitation and any contract or purchase order arising from it are issued in accordance with the specific requirements described herein, and the State's Purchasing Laws and Regulations and other applicable State Laws. The General Terms and Conditions are incorporated into all the Town of Westerly contracts.

ARRA SUPPLEMENTAL TERMS AND CONDITIONS. Contracts and sub-awards funded in whole or in part by the American Recovery and Reinvestment Act of 2009. Pub. No. 111-5 and any amendments thereto, such contracts and sub-awards shall be subject to the Supplemental Terms and Conditions for Contracts and Sub-awards funded in whole or in part by the American Recovery and Reinvestment Act of 2009. Pub. I. No. 111-5 and any amendments thereto located on the Division of Purchases website at

www.purchasing.ri.gov.

EQUAL EMPLOYMENT OPPORTUNITY. Compliance certificate and agreement procedures will apply to all awards for supplies or services valued at \$10,000 or more. Minority Business Enterprise policies and procedures, including subcontracting opportunities as described in Title 37 Chapter 14.1 of the Rhode Island General Laws also apply.

DEFAULT and NON-COMPLIANCE Default and/or non-compliance with the requirements and any other aspects of the award may result in withholding of payment(s), contract termination, debarment, suspension, or any other remedy necessary that is in the best interest of the Town of Westerly.

COMPLIANCE Proposer must comply with all applicable federal, state and local laws, regulations and ordinances.

PUBLIC COPY. Each proposal for a *public works project* must include a "public copy" to be available for public inspection upon opening. Proposals that do not include a copy for public inspection will be deemed nonresponsive.

For further information on how to comply with this statutory requirement, see R.I. Gen. Laws §§ 37-2-18(b) and (j). Also see State of Rhode Island Procurement Regulation 5.11 at <http://www.purchasing.ri.gov/rulesandregulations/rulesAndRegulations.aspx>

ALL CONTRACT AWARDS ARE SUBJECT TO THE FOLLOWING DISCLOSURES & CERTIFICATIONS

Proposers must respond to every disclosure statement and submit with your proposal. A person authorized to enter into contracts must sign the offer and attest to the accuracy of all statements.

Indicate Yes (Y) or No (N):

___ 1 State whether your company, or any owner, stockholder, officer, director, member, partner, or principal thereof, or any subsidiary or affiliated company, has been subject to suspension or debarment by any federal, state, or municipal government agency, or the subject of criminal prosecution, or convicted of a criminal offense with the previous five (5) years. If so, then provide details below.

___ 2 State whether your company, or any owner, stockholder, officer, director, member, partner, or principal thereof, or any subsidiary or affiliated company, has had any contracts with a federal, state or municipal government agency terminated for any reason within the previous five (5) years. If so, then provide details below.

___ 3 State whether your company or any owner, stockholder, officer, director, member, partner, or principal thereof, or any subsidiary or affiliated company, has been fined more than \$5000 for

violation(s) of Rhode Island environmental laws by the Rhode Island Department of Environmental Management within the previous five (5) years. If so, then provide details below.

___ 4 I/we certify that I/ we will immediately disclose, in writing, to the Purchasing Agent any potential conflict of interest which may occur during the course of the engagement authorized pursuant to this contract.

___ 5 I/we acknowledge that, in accordance with (1) Chapter §37-2-54(c) of the Rhode Island General Laws "no purchase or contract shall be binding on the state or any agency thereof unless approved by the Department of Administration or made under general regulations which the Purchasing Agent may prescribe," including change orders and other types of contracts and under State Purchasing Regulation 8.2.1.1.2 any alleged oral agreement or arrangements made by a Proposer or contractor with any department or an employee of the Town of Westerly may be disregarded and shall not be binding on the Town of Westerly.

___ 6 I/we certify that I or my/our firm possesses all licenses required by Federal and State laws and regulations as they pertain to the requirements of the solicitation and offer made herein and shall maintain such required license(s) during the entire course of the contract resulting from the offer contained herein and, should my/our license lapse or be suspended, I/we shall immediately inform the Town of Westerly Purchasing Agent in writing of such circumstance.

___ 7 I/we certify that I/ we will maintain required insurance during the entire course of the contract resulting from the offer contained herein and, should my/our insurance lapse or be suspended, I/we shall immediately inform the Town of Westerly Purchasing Agent in writing of such circumstance.

___ 8 I/we certify that I/we understand that falsification of any information herein or failure to notify the Town of Westerly Purchasing Agent as certified herein may be grounds for suspension, debarment and/or prosecution for fraud.

___ 9 I/we acknowledge that the provisions and procedures set forth in this form apply to any contract arising from this offer.

___ 10 I/we acknowledge that I/we understand the State's Purchasing Laws (§37-2 of the General Laws of

Rhode Island) and General Terms and Conditions available at the Rhode Island Division of Purchases Website (<http://www.purchasing.ri.gov>) apply as the governing conditions for any contract or purchase order I/we may receive from the Town of Westerly, including the offer contained herein.

___ 11 I/we certify that the Proposer: (i) is not identified on the General Treasurer's list, created pursuant to R.I. Gen. laws § 37-2.5-3, as a person or entity described in § 37-2.5-2(b); and (ii) is not engaging in any such activities.

___ 12 I/we certify that the above information is correct and complete.

IF YOU HAVE ANSWERED "YES" TO QUESTIONS #1- 3 OR IF YOU ARE UNABLE TO CERTIFY YES TO QUESTIONS #4 -11 and 13 OF THE FOREGOING, PROVIDE DETAILS/EXPLANATION IN AN ATTACHED STATEMENT. INCOMPLETE CERTIFICATION FORMS SHALL BE GROUNDS FOR DISQUALIFICATION OF OFFER.

Signature below commits proposer to the attached offer and certifies (1) that the offer has taken into account all solicitation amendments, (2) that the above statements and information are accurate, and that proposer understands and has complied with the requirements set forth herein.

Authorized Signature: _____ Westerly Project Number: _____

(Person Authorized to enter into contracts; signature must be in ink) (if applicable)

Date: _____

Print Name and Title of Company official signing offer Telephone Number
